
Application: S2020-1
Applicant: Henry Lavette
Owner: Estate of Agnes Surowiec
Address: 906 East Street (06-0514) & East Street (06-0515)
Zone: R-15 Residential
Description: Final 5-Lot Subdivision

Proposal

Henry Lavette submitted an application for final subdivision to divide a 4.215 acre property into five building lots at 906 East Street (06-0514) & East Street (06-0515) in the R-15 zone pursuant to Sections 2.05 and 2.06 of the Middletown Subdivision Regulations.

Existing Conditions

The site contains 4.215 acres with 381.5 ft of frontage on East Street and 2446.74 ft of frontage on Orchard Hill Lane. The property is improved with a single-family dwelling, detached garage, driveway, utilities and other associated improvements. The property slopes up 14ft up from East Street, then plateaus in the central portion of the property. It then continues to slope up another 10-15ft up to Orchard Hill Lane. The majority of the property is vegetated. There are no inland wetlands on the property. The property is in the sewer and water service area.

Background

The property at 906 East Street was once part of a larger parent parcel but was split off as an independent lot in 1965 as depicted on Map 1786 recorded with the Town Clerk. In 1992, the Planning and Zoning Commission approved a lot line revision between the two parcels as depicted in Map 13-92. The lot split and lot line revisions do not qualify as subdivisions so therefore, the properties were never part of a subdivision since the adoption of the Subdivision Regulations in 1941.

Subdivision Map

A subdivision map was provided depicting five building lots.

Lot	Frontage	Size
Required (R-15 Zone)	100 ft	15,000 SF
Lot 1	137.87 ft (East St)	31,870 SF
Lot 2	122.79 ft (East St)	36,378 SF
Lot 3	120.84 ft (East St)	40,806 SF
Lot 4	47.36 ft (Orchard Hill La)*	38,373 SF
Lot 5	105.73 ft (Orchard Hill La)	45,175 SF

*See Section 13.03.02 Frontage Modifications

Lots 1-3 and 5 meet the minimum frontage and size requirements for properties in the R-15 zone (21.02). The proposed frontage of Lot 4 is modified pursuant to Section 13.03.02.

Site Plan

The existing single-family dwelling and site improvements would remain on Lot 1. The property will have conforming yards and coverage.

Lots 2 and 3 will each be developed with single-family dwellings, driveway, and utilities including city sewer and city water connections in East Street. Lots 4 and 5 will each be developed with single-family dwellings, driveway, private wells and utilities including city sewer connections in East Street. Lot 4 will have a 10ft wide sewer easement area over Lot 2. Lot 5 will have a 10ft wide sewer easement area over Lot 3.

All lots are oversized and can easily be developed with conforming yards and coverage (21.03).

The driveways and any proposed garages can accommodate parking for three vehicles (40.04.16)

The site plan does not indicate the location of any significantly sized trees on the property while several exists today.

The stormwater management plan for each lot consists of grading the property way from the house so stormwater is directed towards the front and rear of the properties.

Conservation Easement/ Open Space

The applicant proposes a conservation easement totaling 29,221 SF (15.2%) to satisfy the open space requirement for a conventional subdivision. The easement is 60 ft wide that straddles the rear property lines of the proposed lots. Lot 5 would have additional excess land with conservation easement. The easement encumbers the required rear yard of the proposed lots.

Lot	Easement Area
Lot 1	3,243 SF
Lot 2	3,429 SF
Lot 3	3,375 SF
Lot 4	3,927 SF
<u>Lot 5</u>	<u>15,247 SF</u>
Total	29,221 SF

S&E Control Plan

Sedimentation and erosion controls are proposed along the downslopes of the disturbed area and around stock piles. Anti-tracking pads are proposed at the construction entrances.

Department Comments

Public Works- The driveways require slope modification for better drainage and DOT approval is needed for all work in the State ROW

Water & Sewer- Comments dated 4.21.2021 need to be addressed prior to approval of construction permits

Health Department- Lots 1-3 are approved. Lots 4 and 5 have conditional approvals requiring water tests for wells after a subdivision approval.

Police- No concern

Fire- No comment

Recommendations

Staff recommends that the applicant and commission consider the follow prior to an approval.

1. The Commission should make a determination if the frontage for Lot 4 can be modified pursuant to Section 13.03.02.
2. The location of any significantly sized trees on the property should be located on the site plan. Significantly sized trees along the street should be demarcated for preservation.
3. The Commission may require up to 10% of the lot to be dedicated as open space. The applicant and Commission should consider:
 - a. A 15ft wide pedestrian/bicycle access way along the north side of lots 2 and 5 ($\pm 9,614$ SF) dedicated in fee to the City. The 2020 Plan of Conservation and Development discusses creating linages to existing cul-de-sacs in new subdivisions to improve connectivity (Chapter 4: Connected p. 51).
 - b. Excess land ($\pm 10,890$ SF) that is currently part of Lot 5 can be dedicated as open space.
 - c. These two areas total approximately 10% of the total lot area. See Sketch 1.

If the Commission finds that the conservation area is acceptable in lieu of dedicated open space:

1. The site plan should be revised to move the S&E controls out of the easement area to ensure that any natural features in the area are preserved.
2. The Commission should consider requiring marking the edge of the easement area by placing boulders along the easement line at the intersection of property lines. Locations should be shown on the subdivision map. See Sketch 2.
3. A landscaping plan should be provided for the conservation easement area where the area is disturbed due to the installation of utilities.
4. The following notes should be added to the subdivision plan that describe the prohibited activities in the easement area.
 1. The use of the Conservation Easement Area for any purpose whatsoever other than for open or natural space for aesthetic, passive recreational and scenic purposes.
 2. The construction of any buildings, structures, roads, driveways, parking or storage areas of any kind in the Conservation Easement Area.
 3. Any filling in said Conservation Easement Area.
 4. The excavation or removal of any top soil, sand, gravel or rock minerals from the Conservation Easement Area.
 5. The change of the topography of the said Conservation Easement Area in any manner.
 6. The discharge of pollutants of any kind, including sewage, in the said Conservation Easement Area.
 7. The cutting, injuring or endangering of the trees or other vegetation or flora within the said Conservation Easement Area, without the express permission of the board, commission or agency legally empowered to act as the Planning & Zoning Commission of the City of Middletown pursuant to Connecticut General Statutes Section 8-19 et seq.

8. The killing, injuring or endangering of wildlife within said Conservation Easement Area.
9. The disposal of hazardous waste materials within the Conservation Easement Area including but not limited to paints, solvents, photographic processing chemicals, petroleum products and household cleaning agents.
10. The disposal of yard waste materials, including, but not limited to leaves, grass, trees and shrubs and trimmings therefrom.
11. The changing, endangering or interfering with the natural habitat of wildlife in the Conservation Easement Area.
12. The use of any pesticides and fertilizers, organic or inorganic, within the said Conservation Easement Area.
13. Any activity or use in the Conservation Easement Area which is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the land and water areas in their present condition.
14. The conduct of any of the foregoing activities in such proximity to the Conservation Easement Area that their result could be detrimental to drainage, flood control, water quality, erosion control, soil conservation or wildlife in the Conservation Easement Area.
15. The operation of snowmobiles, motorcycles, all terrain vehicles, other motorized vehicles or loud or offensive recreational vehicles of any nature within the Conservation Easement Area except necessary fire-fighting equipment and other emergency vehicles or activities.

Upon approval the following should be completed as follows:

Prior to the recording of the Mylar:

1. A draft map should be submitted to PCD staff for review.

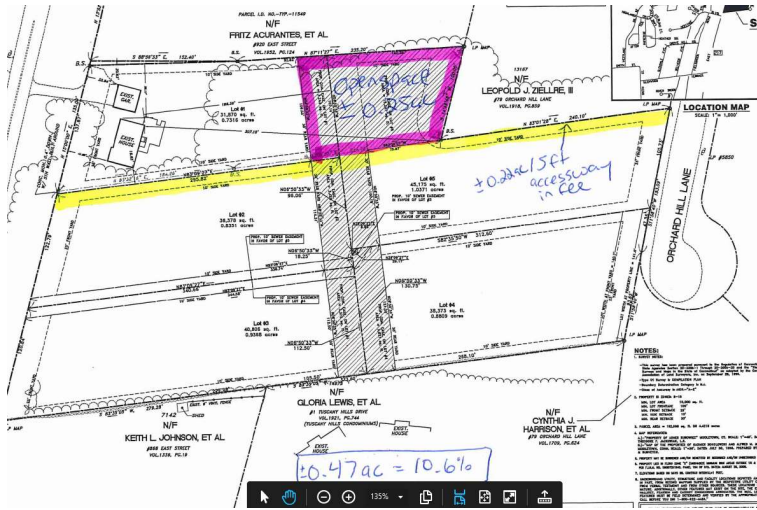
Prior to the issuance of any building permits for any lot:

1. PCD staff shall review the development plans for compliance with the subdivision approval and the Middletown Zone Code.
2. The City Engineer shall review the stormwater management plan.

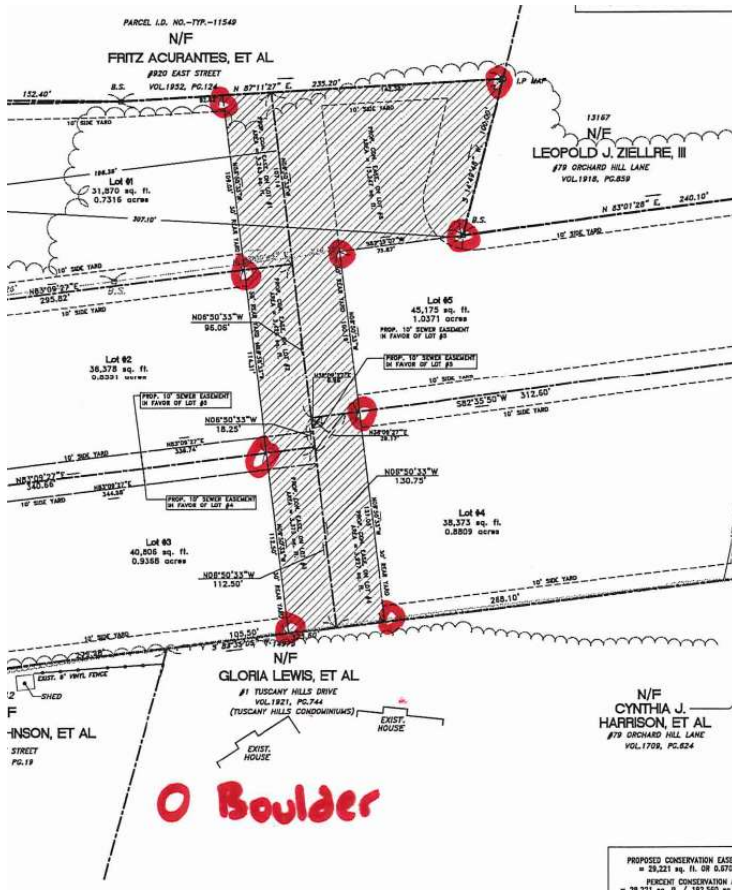
Prior to the start of construction or site disturbance and during onsite activity:

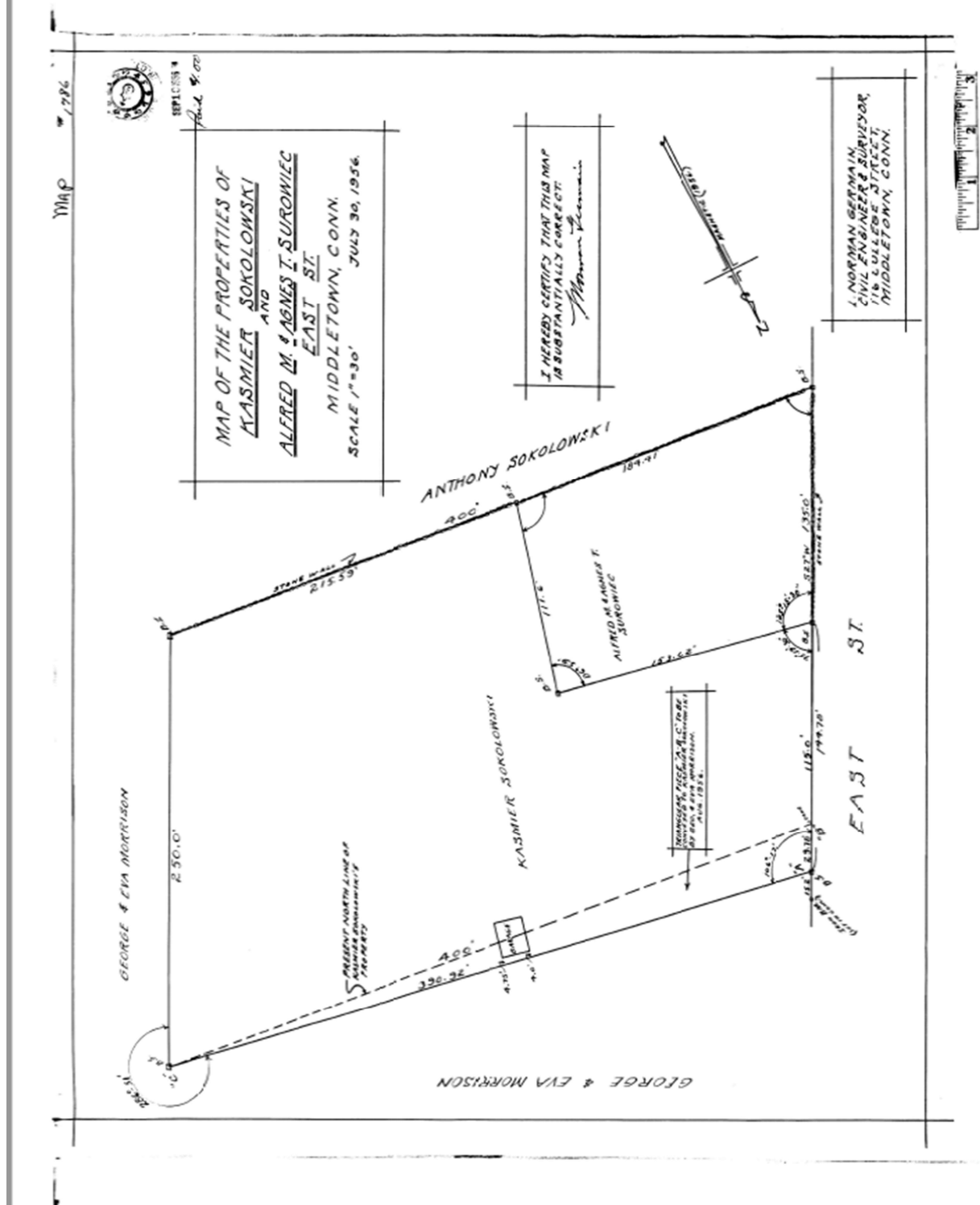
1. Sedimentation and Erosion controls shall be installed and inspected by City Staff. Controls shall remain intact and functional during the duration of the site work. Anti-tracking pads shall be installed at each construction entrance.

Sketch 1



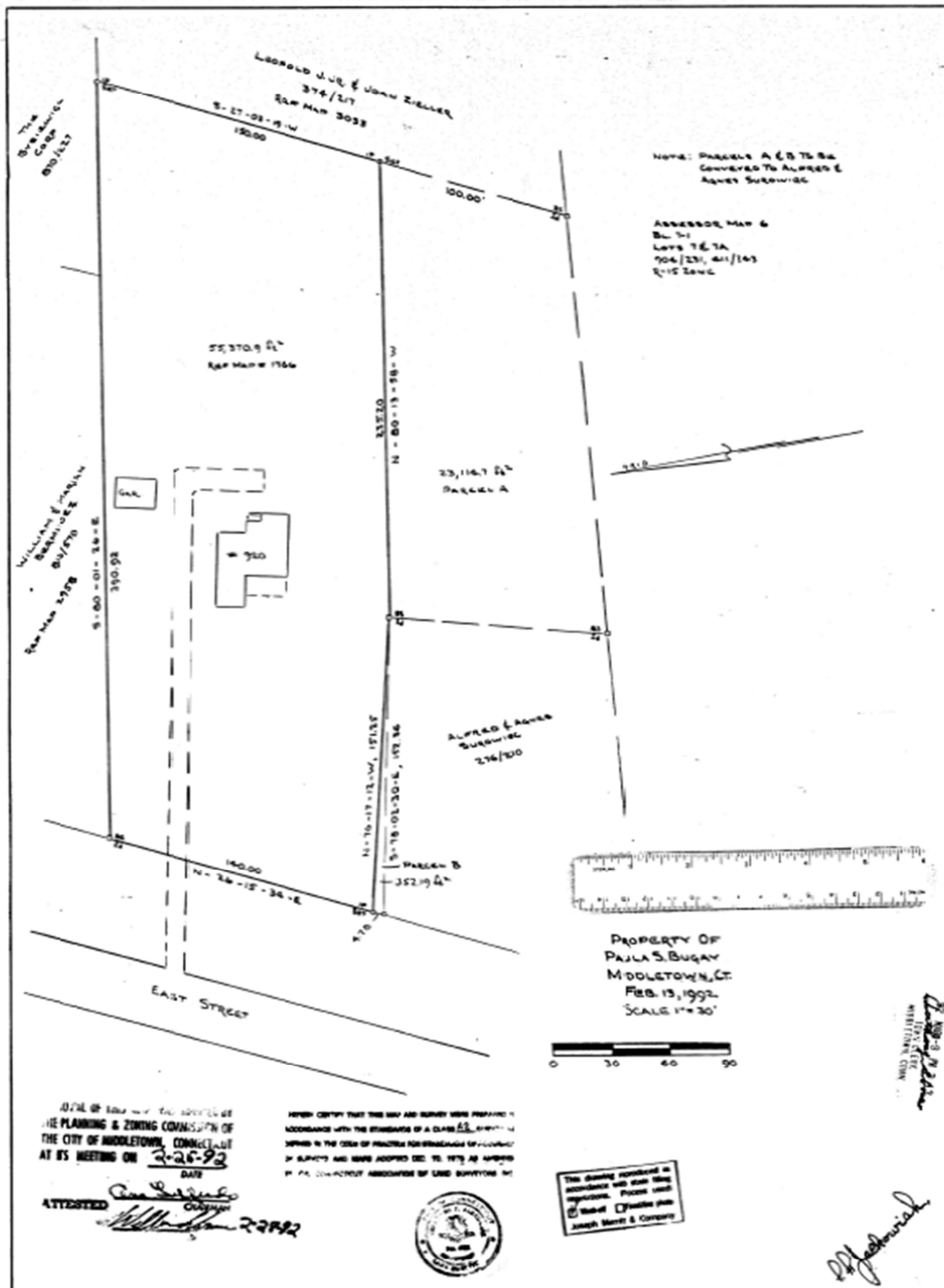
Sketch 2





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